

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, AUGUST 3, 2015**

A Regular Meeting of the Deltona City Commission was held on Monday, August 3, 2015 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Nancy Schleicher	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Mitch Honaker	Present
Commissioner	Chris Nabicht	Present
Commissioner	Diane Smith	Absent (Excused)
Commissioner	Brian Soukup	Present
City Manager	Jane K. Shang	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Raftery	Present

Also present: Planning & Development Services Director Chris Bowley; Public Works/Deltona Water Director Gerald Chancellor; Parks & Recreation Director Steve Moore; and VCSO Captain Eagan.

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Silent Invocation Presented by Mayor Masiarczyk.

Mayor Masiarczyk led everyone in a silent invocation and the pledge to the flag.

The National Anthem was sung by Ryan Aceituno, Graduate of Stetson University.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Special City Commission Meeting of July 20, 2015 and Regular City Commission Meeting of July 20, 2015.

Motion by Commissioner Herzberg, seconded by Vice Mayor Schleicher to approve the minutes of the Special City Commission Meeting of July 20, 2015 and Regular City Commission Meeting of July 6, 2015, as presented.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Quarterly Reports of City Advisory Boards/Committees.

Deltona Economic Development Advisory Board (DEDAB) Chairperson Tanya Boggs read the DEDAB Quarterly Report for the record.

6. CITY COMMISSION SPECIAL REPORTS: None.

7. PUBLIC FORUM – Citizen comments for item not on the agenda.

1) Barbara Willey, 1407 Section Line Trail, Deltona, spoke about a drainage problem on her road since 2009 and the issue being worse now that traffic has been detoured onto her road from Saxon Blvd. due to construction, Public Works had come out to the area several times and she would like to get the issue fixed.

Mayor Masiarczyk stated Mr. Chancellor could look at that but, it is a County project where there is stormwater work being done that may tie into it which could solve some of the problems in that area.

2) Inez Rodriguez, Pizza Family Ministries, 689 Deltona Blvd., Deltona, spoke about the upcoming Youth Performing Arts & Leadership Academy, wanting to keep the program going, she asked for the Commission's support to spread the word about a camp from August 10th – 14th and that the program is available to everyone between the ages of eight (8) and 18.

3) Carolyn Carbonell, 589 Saxon Blvd., Deltona, spoke about being appointed as the Principal of Deltona High School, that she was previously a teacher in Deltona, she asked for the Commission's support for her and the Deltona High School, to rally around the Deltona High School, that the high school is at the gateway to the City, she was interested in partnering with the City to beautify the gateway on Howland Blvd., her idea to line from the corner of Wolf Pack Run down Howland Blvd. to the Race Track and down Wolf Pack Run to the YMCA with pole flags and she has many more ideas, she invited everyone to the opening football game on August 28, 2015 at 7:00 p.m. and she invited the Mayor and Commission to be a part of the coin toss, she introduced her Assistant Principal Jane Baxter, she provided gift bags to the Commission and staff and she stated that one (1) of her Assistant Principals, Christina Lapnow, who was involved in Thursdays crash in DeLand is still in the hospital with serious injuries but, she is doing a lot better.

4) Mike Williams, 2889 Cottageville Street, Deltona, reminded everyone of the 5K Walk to raise money for Associate Pastor Estelle Singleton-Fenderson who needs a double lung transplant, he asked for everyone to participate in the 5K Walk and to show support for the cause whether monetary or physical.

5) Dr. Bob Mertens, 1400 Hartley Avenue, Deltona, spoke about an issue he is having with a neighbor, that he went through the Special Magistrate process, that he is the only resident in his neighborhood with the issue, the neighbor being found in violation but, was let go, that his rights are being violated and he wants to know what the City is going to do about his issue.

Commissioner Soukup stated he provided his phone number to Dr. Mertens so the next time there was an issue to contact him and that he has not received a call from Dr. Mertens.

Dr. Mertens asked who he makes an appeal to regarding the Special Magistrate's decision and Mayor Masiarczyk replied either the City Attorney or City Manager.

8. CONSENT AGENDA:

Motion by Vice Mayor Schleicher, seconded by Commissioner Nabicht to approve Consent Agenda Items 8-A and 8-B.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

***A. Request for approval of Resolution No. 2015-31 and Budget Amendment for FY 14/15 2015-33 and 2015-34 - Robert Clinger, Finance Department (386) 878-8552.**

Approved by Consent Agenda - to approve Resolution No. 2015-31 amending the Annual General Fund and Park Projects Fund Budget for the FY14/15 and Budget Amendments 2015-33 and 2015-34 to reallocate anticipated surplus funds to other projects.

***B. Request for approval of Resolution No. 2015-32 changing the meeting date for the first budget hearing in September to September 9, 2015 at 5:30 p.m. – Robert Clinger, Finance Department (386) 878-8552.**

Approved by Consent Agenda - to adopt Resolution No. 2015-32 changing the meeting date for the first budget hearing in September to September 9, 2015 at 5:30 p.m.

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing – Public Hearing - Ordinance No. 05-2015, Fernanda Place Subdivision Rezoning Application, RZ15-002, at first reading - Chris Bowley, Planning and Development Services Department (386) 878-8602.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to approve Ordinance No. 05-2015, Fernanda Place rezoning with the modification that the streets will be public streets and not private streets taken care of by the Homeowners Association (HOA) and stormwater, streets and utilities will be built according to City specifications and then taken over by the City.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

City Attorney Becky Vose read the title of Ordinance No. 05-2015 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP TO REZONE APPROXIMATELY 142 ACRES OF LAND LOCATED EAST OF HOWLAND BLVD. AND WEST OF OSTEEN CEMETERY RD. NEAR BOTH PRIDE ELEMENTARY AND PINE RIDGE HIGH SCHOOLS FROM COUNTY A-1 (PRIME

1 **AGRICULTURE) AND CITY OF DELTONA RESIDENTIAL PLANNED UNIT**
2 **DEVELOPMENT (RPUD) TO RESIDENTIAL PLANNED UNIT DEVELOPMENT:**
3 **PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY AND PROVIDING**
4 **FOR AN EFFECTIVE DATE.**

5
6 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
7 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Soukup, For; Vice**
8 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

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10 Ordinance No. 05-2015 was adopted at 6:55 p.m.

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12 **B. Public Hearing - Ordinance No. 27-2015, Amending Sections 58-34 and 58-37 of the**
13 **City of Deltona's Code of Ordinances allowing for an 811 Report to Release City Easement**
14 **Abandonment, at first reading - Chris Bowley, Planning and Development Services**
15 **Department (386) 878-8602.**

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17 Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

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19 City Attorney Becky Vose read the title of Ordinance No. 27-2015 for the record.

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21 **AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTIONS 58-**
22 **34 AND 58-37, OF ARTICLE IV, "APPLICATION", OF CHAPTER 58, "STREETS,**
23 **SIDEWALKS AND OTHER PUBLIC PLACES", OF THE CODE OF THE CITY OF**
24 **DELTONA, BY PERMITTING AN 811 REPORT IN LIEU OF UTILITY COMPANY**
25 **LETTER OF RELEASE FOR CITY EASEMENT ABANDONMENT; AND PROVIDING**
26 **FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.**

27
28 **Motion by Commissioner Honaker, seconded by Vice Mayor Schleicher to approve Ordinance**
29 **No. 27-2015, amending Sections 58-34 and 58-37 of the City of Deltona's Code of Ordinances**
30 **that allows for either a utility letter of release or an 811 Report within the City easement**
31 **abandonment process.**

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33 **Motion carried unanimously with members voting as follows: Commissioner Herzberg, For;**
34 **Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Soukup, For; Vice**
35 **Mayor Schleicher, For; and Mayor Masiarczyk, For.**

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37 Ordinance No. 27-2015 was adopted at 6:58 p.m.

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39 **10. OLD BUSINESS:** None.

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41 **11. NEW BUSINESS:**

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43 **A. Consideration of appointment of seven (7) members to the Ordinance Review**
44 **Committee - Joyce Raftery, City Clerk (386) 878-8502.**

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46 Mayor Masiarczyk went down the dais for each Commissioner to select an appointment to the
47 Committee as follows: Commissioner Honaker – Kelly Latham, Commissioner Smith submitted a
48 letter with her appointment – Joe Cerrato, Commissioner Herzberg – Cheri Taylor, Vice Mayor

Schleicher – Thomas Walsh, Commissioner Soukup requested to table his appointment until the next Regular Commission Meeting, Commissioner Nabicht – Rossana Sepulveda and Mayor Masiarczyk – Sonjia Kihlmire.

Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to confirm the Commission member's appointments for a two (2) year term to expire on August 3, 2017 to the Ordinance Review Committee.

Motion carried unanimously with members voting as follows: Commissioner Herzberg, For; Commissioner Honaker, For; Commissioner Nabicht, For; Commissioner Soukup, For; Vice Mayor Schleicher, For; and Mayor Masiarczyk, For.

12. CITY ATTORNEY COMMENTS:

Mrs. Vose stated she is working on a form for the evaluation of the City Manager which she will be distributing soon.

Mrs. Vose stated with regards to the Jablonski Trust, staff will be contacting the Council on Aging to discuss a possible commitment of funds for a future senior center and she asked the Commission if it was okay to ask the Mayor to be involved with some of those discussions and there was no objection.

Mayor Masiarczyk stated there needs to be a formal discussion with the Council on Aging (COA) with regards to the City moving forward with plans to build a new senior center and that the Commission would like the COA to provide a formal response in writing that the money will be set aside for planning purposes. The COA does want to have some input on the plans and staff will send the COA copies of the plans as the City moves forward with the project.

Mayor Masiarczyk stated the Commission could use the City Manager evaluation that was used in the past, make it simple, straight, direct and to the point and allow personal interviews and discussions as long as there are written statements if the Commission so deems they want to do it.

Commissioner Nabicht stated he did not want to use the numbering system that was used for prior City Manager Faith Miller.

Mayor Masiarczyk stated if anyone else had any other objections to contact Mrs. Vose and that there are requirements to do the evaluation in October.

13. CITY MANAGER COMMENTS:

Ms. Shang stated as a follow up to the conversation on the COA, she would like to have a workshop on the senior center, she would like to move that project forward and her intent is once the discussions with the COA are complete she is wanting to have a workshop towards the end of August on the senior center.

Commissioner Nabicht stated as long as there is some framework as to what that discussion is going to be because the Commission has discussed it a couple of times and do not need to rehash the same things, maybe information to put together for the consultant.

A. Lobbyist Update: None.

14. CITY COMMISSION COMMENTS:

a) Commissioner Soukup reminded everyone about National Night Out tomorrow at City Hall, he met with Principal Carbonell this week to discuss some things she has going on which is very exciting and that she brought goody bags for the Commission and staff.

b) Commissioner Herzberg stated last session for the Florida House and Senate there was a utility relocation Bill that died and is being resurrected, Mayor Laputka sent her information which she forwarded to the City Manager regarding a conference call he had with the Florida League of Cities (FLOC) discussing the view on the upcoming utility relocation situation and he also requested how the local representative voted on the issue last session and sadly, everyone voted yes, in favor of it. The Bill states that cities will be responsible for the cost of relocating utilities if road projects are done which will be a huge cost for the cities and right now it is the utility companies responsibility but, they are lobbying long and hard to get this passed. She read from a list, Representative Dwayne Taylor, Representative David Santiago, Representative Paul Renner, Representative Fred Costello, and the House all voted yes on the house floor. Senator David Simmons on Senate Bill 896 voted yes in the Senate Community Affairs which it did not make it out of. She stated she is going to get as much info as possible from the FLOC and everyone else, the Commission needs to look at the issue and to collectively send a letter that the Commission is not in support of this and contact all the representatives in Volusia County because this is a serious, costly venture if this passes. She stated our representatives need to hear from the Commission and the residents, so hopefully before this becomes another issue in the new session, the Commission can have a statement made and contact our representative.

Mayor Masiarczyk stated Commissioner Herzberg needed to keep the Commission informed on the issue, that this would trash the City, every road project or every project the City did would require the utilities being relocated and it would cost the cities hundreds of thousands of dollars just to put reuse lines down the road.

Commissioner Herzberg stated Mayor Laputka is strong on this issue, he is researching everything and will bring it up at the elected official's roundtable and hopefully all the elected officials and the county will be on board against this issue.

c) Commissioner Honaker asked that the Commission read the utility relocation Bill because it did not say "all utilities" but, "utilities that were not necessary to accommodate" whatever was being done. If it is utilities that are in the right-of-way, required to be moved then the utility companies still have to pay for that if what he read was right. He stated at Pine Ridge High School, those with freshman, there is the parents and students orientation on August 13th at 6:00 p.m. and on August 7th through August 16th are tax free shopping days up to \$750 on computers and accessories.

d) Vice Mayor Schleicher congratulated Parks & Recreation Director Steve Moore for the Senior Breakfast which was well attended, that the Walmart Hiring Center is open which is located in the Fountains Plaza, it will be open each day from 7:00 a.m. to 5:00 p.m. and there will be 95 people hired for the new Walmart Grocery Center located on Saxon Blvd. She reminded everyone that she will not be in attendance at Monday night's workshop.

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2 e) Commissioner Nabicht stated he, the City Manager and staff attended Representative
3 Santiago's One Volusia last week at the International Speedway. Former U.S. Senator Mel Martinez
4 was the guest speaker and updated everyone on the economic picture for Florida, that Florida is
5 doing well and coming out of the recession, one of the things to look forward to is the expansion of
6 the ports and Florida being ready to take on trade and commerce with the widening of the Panama
7 Canal. He stated the Walmart Grocery will be opening on Saxon Blvd. on September 30th and will
8 be having a ribbon cutting that morning at 7:30 a.m. Florida Hospital is also getting ready to have
9 their grand opening on Saxon Blvd. as well. He stated he believed everyone received a letter from
10 the representative of House District 28 regarding privatization of the management of transportation
11 services in the State such as Lynx, Votran, etc. and he is going to be introducing a Bill in the next
12 legislative session that staff needs to get the background information on, schedule a workshop and
13 decide whether to oppose or support it. There are a lot of issues, Votran is a county entity which is
14 privately managed and the City is having issues with expanding Votran within the City in order to
15 move people around the City. He stated moving people around is the key to economic development,
16 if the City cannot move people in and out of the City it will have no use for economic development.
17 He stated he has asked the City Manager to look at proposing a moratorium on package plants until
18 the City can get language changed in the Comprehensive Plan and Land Development Code (LDC).
19 He stated he is adamantly opposed to privatizing any type of City service like roads, sewer and
20 stormwater, none of which should be managed by an HOA because it is too important of an issue, it
21 becomes a long term expense to the City and it degrades these residential subdivisions if it's not
22 properly maintained.

23
24 f) Mayor Masiarczyk stated there has been some talk about gated communities, access to them
25 and response times. He asked Captain Eagan if there was quick access, a code that is available to all
26 the Volusia County Sheriff's Office personnel and Captain Eagan replied it is siren activated. He
27 stated the City does not get too involved with SunRail but, the City needs to start looking at that
28 because there are some issues coming up which Orlando is taking the lead on with Osceola County.
29 There is talk about cutting out different services at night and days of the week because ridership is so
30 low. He started if SunRail starts tinkering with that right now with the I-4 project coming up, the
31 City is going to be in trouble and he asked that if anyone hears any information that it be brought to
32 the attention of the Commission so it can support or not support it. He stated he tried to get figures
33 regarding the ridership which he could not get because SunRail does not keep records of that. He
34 stated he would image based on being over there a few times just talking to people that quite a few
35 are from this area, DeLand and Debary. He stated SunRail is getting pressure to tinker with the
36 hours of service and once an action like that is taken it is hard to ever reverse. He stated he attended
37 the Sons of Italy ribbon cutting on an addition of a clubhouse/pub on Doyle Road; the organization
38 puts on a Wednesday night pasta night which cost only a few dollars and the organization has been a
39 big supporter of many projects in the City. He confirmed that National Night Out is tomorrow night
40 between 5:30 p.m. and 8:30 p.m. in the City Hall Courtyard and also tomorrow night at the Veterans
41 Museum at 6:00 p.m. is the Coastguard Birthday Party and he invited everyone to stop by for some
42 cake.

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44 **14. ADJOURNMENT:**

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46 There being no further business, the meeting adjourned at 7:23 p.m.
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ATTEST:

John Masiarczyk Sr., Mayor

Joyce Raftery, CMC, City Clerk